



**MINUTES OF A REGULAR MEETING OF THE
UPLAND PLANNING COMMISSION HELD
WEDNESDAY, JANUARY 23, 2019
AT 6:30 P.M.**

CALL TO ORDER OF THE PLANNING COMMISSION REGULAR MEETING

Chair Schwary called the Regular Meeting of the Upland Planning Commission to order in the Council Chambers of the Upland City Hall at 6:33 P.M.

PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by *Vice Chair Velto*.

ROLL CALL

MEMBERS PRESENT: Commissioners Anderson, Aspinall, Walker, Verrinder, Vice Chair Velto, Chair Schwary

MEMBERS ABSENT: Commissioner Brouse

ALSO PRESENT: Interim Development Services Director Dukett, Contract Planning Manager Poland, Associate Planner Winter, Senior Administrative Assistant Davidson, Deputy City Attorney Shah

APPROVAL/MINUTES

Moved by *Commissioner Anderson*, to approve of the minutes of the Planning Commission meeting of December 12, 2018.

The motion was seconded by *Commissioner Verrinder*.

The motion carried by the following vote:

AYES: *Commissioners Anderson, Aspinall, Walker, Verrinder, Vice Chair Velto, Chair Schwary*

NAYS: None ABSTAINED: None

ABSENT: *Commissioner Brouse*

COUNCIL ACTIONS - Interim Development Services Director Dukett provided a follow up on the January 7, 2019 special City Council Meeting, noting that presentations were made by perspective Councilmember candidates related to the open City Council seat. He also noted that the special City Council meeting on January 16th, was held so Council could ask questions of the perspective candidates and have discussion and noted that Vice Chair Velto was selected to fill the open Council seat. Interim Development Services Director Dukett also noted that at the January 14th regular City Council Meeting, the Council discussed the dissolution of the Parking and Business Improvement Area.

FUTURE AGENDAS - Contract Planning Manager Poland indicated that in February, staff will bring to the Commission three (3) various Conditional Use Permits.

Interim Development Services Director Dukett indicted that at the February meeting, the new Development Services Director will take over.

Chair Schwary congratulated *Vice Chair Velto* on his appointment to the City Council.

ORAL COMMUNICATIONS

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Chair Schwary stated this is the time for any citizen to comment on any items that are not listed on the agenda under “Public Hearings” but within the Planning Commission’s purview. Anyone wishing to address the Planning Commission should submit a speaker card to the Planning Secretary prior to speaking. The speakers are requested to keep their comments to five (5) minutes. The use of visual aids will be included in the time limit. Under the provisions of the Brown Act, the Planning Commission is prohibited from acting on items not listed on the agenda.

Janice Elliot thanked the Commission for their dedication to public servant and welcomed *Vice Chair Velto* to the City Council.

Noting there were no further members of the public wishing to address the Commission, *Chair Schwary* closed the oral communications.

PUBLIC HEARINGS

1. PUBLIC HEARING FOR CONDITIONAL USE PERMIT NO. 18-05, SITE PLAN REVIEW NO. 18-11, DESIGN REVIEW NO. 18-15 AND ENVIRONMENTAL ASSESSMENT REVIEW NO. EAR-0071.

The proposed project is requesting to demolish two (2) existing buildings and replace them with a new 10,000 square foot building, which will house four new quick service restaurants, one of which will have a drive-thru window, an additional retail space, and associated modifications to the existing parking lot, landscaping and frontage road for property located in the Upland Town Square.

Project location: 913 W. Foothill Boulevard, Upland, CA 91786, APN: 1045-602-30.

STAFF:	Mike Poland, Contract Planning Manager
APPLICANT:	Jonathan Weber Architecture Design Collaborative 23231 South Pointe Drive Laguna Hills, CA 92653
RECOMMENDATION:	That the Planning Commission: <ol style="list-style-type: none">1. Receive staff’s presentation;2. Hold a public hearing and receive testimony from the public;3. Find that the project is Categorically Exempt from environmental proceedings pursuant to Article 19, Section 15303, New Construction or Conversion of Small Structures, Class 3 (c), of the California Environmental Quality Act; and4. Move to adopt a Resolution approving Conditional Use Permit No. 18-05, Site Plan Review No. 18-11, and Design Review No. 18-15, subject to conditions of approval as set forth in the Draft Resolution dated January 23, 2019.
COUNCIL HEARING REQUIRED:	No
APPEAL PERIOD	10 days, ending February 4, 2019

Contract Planning Manager Poland presented the details of the staff report, including project location, property ownership, site plan, improvement area, proposed uses, new building size, landscape plan, reconfiguration of parking area, elevation plans, CEQA findings and staff recommendation.

Commissioner Aspinall spoke about Condition No. 30.27, related to maintenance of surveillance video equipment and smoking on the property; and requested the two subjects be separated into two (2) separate conditions.

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Vice Chair Velto expressed concern for the ingress/egress, specifically at the west end of the center; and expressed concern with the proposed drive-thru traffic and safety.

In response to *Vice Chair Velto's* inquiry, *Contract Planning Manager Poland* noted that the Public Works, Engineering and Police Department reviewed the proposal and determined the plans to be adequate.

Commissioner Verrinder also expressed concern for ingress/egress, drive-thru congestion and the level of parking available in the proposed plan.

Commissioner Walker expressed concern for the proximity of the parking lot to adjacent Foothill Boulevard and inquired about a barrier.

In response to *Commissioner Walker's* inquiry, *Contract Planning Manager Poland* indicated that landscaping would separate the parking lot from Foothill Boulevard.

Discussion ensued related to the site plan and placement of the proposed parking areas, service roads and sidewalks.

Vice Chair Velto expressed concern for adequacy of the proposed site plan and the safety of the frontage road.

Commissioner Verrinder expressed concern for adequacy of the parking area.

Vice Chair Velto inquired as to why the City is not interested in vacating the frontage road as it would take the burden off of the City to maintain and expressed concern for safety with the ingress and egress from the frontage access point.

In response to *Vice Chair Velto's* inquiry, *Contract Planning Manager Poland* indicated that with the terms of the encroachment permit, the property owner will be responsible for the maintenance of the frontage road.

Chair Schwary inquired if the City could vacate the frontage road and create a similar setup as found at Mountain and Foothill.

In response to *Chair Schwary's* inquiry, *Contract Planning Manager Poland* indicated that Public Works' position is not to vacate, but to require an encroachment permit to block the access via Conditional Use Permit and require the applicant to only use the area for parking.

Andrew Gracie, Applicant and Vice President of Development for Brixmore Properties, addressed Commission concerns and spoke about initial traffic plans and willingness to work with issues related to queue build up traffic.

Discussion ensued related to other options for ingress and egress access points to the center and traffic plan.

Commissioner Aspinall inquired as to the reason the developer is looking to add a drive-thru.

In response to *Commissioner Aspinall's* inquiry, *Gracie* noted that the proposal is for business purposes, could potentially attract more tenants and would provide a significant advantage to the development.

Vice Chair Velto stated that the purview of the Commission is to evaluate land use and safety and does not feel that the safety element is met in the proposal.

Chair Schwary opened the public hearing.

Jim McJoint, resident, expressed concern with traffic, safety, proposed drive-thru and proposed parking plan.

Steve Beirbaum, resident, congratulated *Vice Chair Velto* and expressed concern with the proposed project.

Noting no further members of the public wishing to address the Commission, *Chair Schwary* closed the public hearing.

Chair Schwary inquired as to the dimensions of the access road as it currently stands and inquired as to angled versus straight parking.

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In response to *Chair Schwary's* inquiry, *Contract Planning Manager Poland* provided the current dimensions and the proposed dimension and indicated that direction of parking markers indicates flow of traffic.

Commissioner Verrinder inquired as to the dimensions of the roadway in front of Denny's and suggested the use of stop signs to assist the flow of traffic.

In response to *Commissioner Verrinder's* inquiry, *Contract Planning Manager Poland* provided the setbacks and dimensions of the frontage road.

Contract Planning Manager Poland indicated that he is hearing from the Commission that as it stands, there is an issue with traffic and parking before the project is even accounted for. He suggested continuing the item and adding a Condition of Approval which would require a transportation access study be done at the intersection to determine what improvements need to be made.

Commissioner Anderson moved to continue this item to a date certain, the next Planning Commission meeting on February 27, 2019.

The motion was seconded by *Commissioner Verrinder*.

The motion carried by the following vote:

AYES: Commissioners Anderson, Aspinall, Walker, Verrinder, Vice Chair Velto, Chair Schwary

NAYS: None ABSTAINED: None

ABSENT: Commissioner Brouse

2. PUBLIC HEARING FOR CONDITIONAL USE PERMIT NO. CUP 17-05, SITE PLAN REVIEW NO. SP 17-16, AND DESIGN REVIEW NO. DR 17-22.

The proposed project is requesting approval to allow the installation of a 55 foot tall telecommunication tower (Mono-eucalyptus) and equipment building attached to the existing restroom within the Park/Open Space (P-OS) General Plan Designation and Open Space (OS) zone located at McCarthy Park.

Project location: 2040 N. San Antonio Avenue, APN: 1043-541-27.

STAFF:	Joshua Winter, Associate Planner
APPLICANT:	Melissa Francisco of J5 Infrastructure Partners on behalf of AT&T 2030 Main Street, Suite 200 Irvine, CA 92614
RECOMMENDATION:	That the Planning Commission: <ol style="list-style-type: none">1. Receive staff's presentation;2. Hold a public hearing and receive testimony from the public;3. Find that the project is Categorically Exempt from environmental proceedings pursuant to Section 15303, Class 3 Construction or Conversion of Small Structures, of the California Environmental Quality Act; and4. Move to adopt a Resolution approving Conditional Use Permit No. CUP 17-05, Site Plan Review No. SP 17-16 and Design Review No. DR 17-22, subject to conditions of approval as set forth in the Draft Resolution dated January 23, 2019.

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COUNCIL HEARING REQUIRED:	No
APPEAL PERIOD	10 days, ending February 4, 2019

Associate Planner Winter provided the details of the staff report including project location, General Plan designation, surrounding uses, previous hearing and concerns from the Commission; the currently proposed location, original proposal, potential impacts which were mitigated, proposed tree, proposed height of the tower, limitations of the zoning code for telecommunications facilities, recommended Conditions of Approval and staff recommendation.

Commissioner Verrinder inquired as to the purpose of the five (5) new proposed trees.

In response to *Commissioner Verrinder's* inquiry, *Associate Planner Winter* indicated the trees are a condition in order to mask the proposed new tower.

Vice Chair Velto inquired as to the telecommunications code cited in the report related location of the facility.

In response to *Vice Chair Velto's* inquiry, *Associate Planner Winter* indicated it is in the Upland Municipal Code for non-conforming uses and structures and noted that there was no possibility for the structure to be located at the proposed fire station.

Commissioner Aspinall inquired about the capacity for colocation on the proposed facility.

In response to *Commissioner Aspinall's* inquiry, *Associate Planner Winter* indicated that this tower can support a colocation.

Discussion ensued regarding colocation, duration of current leases and the suggestion for colocation once leases have expired.

Commissioner Aspinall inquired as to the maintenance plan for the eucalyptus trees.

In response to *Commissioner Aspinall's* inquiry, *Associate Planner Winter* indicated that the trees will be maintained in the same manner as other trees throughout the park and City.

Commissioner Walker inquired as to the number of possible colocations the tower can support.

In response to *Commissioner Walker's* inquiry, *Associate Planner Winter* indicated the applicant would be best suited to answer the question.

Chair Schwary requested the legal counsel address safety related to the cell tower.

Deputy Attorney Shah spoke about radiofrequency emissions and related federal statutes regulating the telecommunications standards.

Chair Schwary inquired as to what the Commission can discuss.

In response to *Chair Schwary's* inquiry, *Deputy Attorney Shah* confirmed that federal law conditions emission concerns, thus emissions cannot be part of the Commission's motion or denial.

Chair Schwary opened the public hearing.

Melissa Francisco, Applicant and AT&T representative, stated that the project has met federal regulations and can accommodate a total of three (3) colocations. She also noted that the applicant took all the feedback from the July meeting and have presented an updated proposal which they feel addresses the concerns of the Commission.

April McCormic, resident, congratulated Vice Chair Velto on his appointment to the Council and spoke about the 1996 Telecommunications Act, environmental impacts related to cell towers, endangered bees in the area, read excerpts from a 1971 report from the Naval Medical Research Board related to radiation for the record and spoke

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about her blog.

Lois Sicking Dieter, resident, requested the Commission table the discussion until the City and applicant have further engaged the surrounding community and conduct due diligence. She requested further documentation be provided related to surrounding coverage by AT&T and spoke about the adequacy of coverage in the area.

Natasha Walton, resident, requested the Commission to deny the project. She spoke about the lack of necessity for the tower, the maintenance of the tower, consolidation of cell towers, impact of towers on migrating birds, and spoke about park preservation as referenced in the General Plan.

Dominic Sosa, resident, spoke in support of the project and presented facts and figures to the Commission related to little if any health risks related to cell towers.

Irmalinda Osuna, resident, requested the Commission table the discussion until more information is available. She also expressed concern for safety and submitted a letter into the record from Senator Blumenthal.

Noting no further members of the public wishing to address the Commission, *Chair Schwary* closed the public hearing.

Chair Schwary thanked the public for attending the meeting to speak and provide input in the process.

Commissioner Aspinall spoke about the previous continuance of the item and thanked the public.

Commissioner Verrinder inquired about the height differential between the tower and the trees in McCarthy Park, any other areas for possible colocation in the area and the lease revenues received from the tower location.

In response to *Commissioner Verrinder's* inquiry, *Associate Planner Winter* indicated that the height of the trees vary and that other areas were looked at, but no other colocations would have been feasible. He also indicated that he was unsure of the revenues received from the leases.

Commissioner Walker inquired as to the maintenance and notification parameter for the project.

In response to *Commissioner Walker's* inquiry, *Associate Planner Winter* indicated that maintenance is conditioned under Conditions of Approval and homeowners within a 300-foot radius were notified as well as posting on the website.

Vice Chair Velto expressed concern with utilizing parks for uses other than open space and recreation.

Chair Schwary echoed the concerns of Vice Chair Velto.

Commissioner Anderson thanked AT&T, likes the revised tree and the opportunity for improved cellular service in the area.

Commissioner Verrinder echoed the concerns of Vice Chair Velto and Chair Schwary and spoke about the General Plan.

Commissioner Anderson moved to find that the project is Categorically Exempt from environmental proceedings pursuant to Section 15303, Class 3 Construction or Conversion of Small Structures, of the California Environmental Quality Act; and moved to adopt a Resolution approving Conditional Use Permit No. CUP 17-05, Site Plan Review No. SP 17-16 and Design Review No. DR 17-22, subject to conditions of approval as set forth in the draft resolution dated January 23, 2019.

The motion was seconded by *Commissioner Aspinall*.

The motion failed by the following vote:

AYES: Commissioners Anderson, Aspinall, Walker

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NAYS: *Commissioner Verrinder, Vice Chair Velto, Chair Schwary* ABSTAINED: None

ABSENT: *Commissioner Brouse*

Commissioner Anderson moved to continue the item to a date certain of February 27, 2019.

The motion was seconded by *Commissioner Aspinall*.

The motion carried by the following vote:

AYES: *Commissioners Anderson, Aspinall, Walker, Chair Schwary*

NAYS: *Commissioner Verrinder, Vice Chair Velto* ABSTAINED: None

ABSENT: *Commissioner Brouse*

The Commission recessed at 8:54 p.m.

The Commission reconvened at 9:01 p.m.

3. PUBLIC HEARING FOR CONDITIONAL USE PERMIT NO. CUP 18-09.

The proposed project is requesting approval to allow the establishment of a bakery and café restaurant within an existing 2,200 square foot lease space within the Upland Hills Specific Plan (SP) General Plan Designation and Upland Hills Specific Plan – Commercial zone.

Project location: 1071 E. 16th Street, Unit C., APN: 1044-491-12.

STAFF:	Joshua Winter, Associate Planner
APPLICANT:	Shops on 16th LLC c/o Jennifer Moore 215 N. 2nd Avenue Upland, CA 91786
RECOMMENDATION:	That the Planning Commission: <ol style="list-style-type: none">1. Receive staff's presentation;2. Hold a public hearing and receive testimony from the public;3. Find that the project is Categorically Exempt from further environmental proceedings pursuant to Article 19, Section 15301, Existing Facilities, Class 1 (a), of the California Environmental Quality Act; and4. Move to adopt a Resolution approving Conditional Use Permit 18-09, subject to conditions of approval as set forth in the Draft Resolution dated January 23, 2019.
COUNCIL HEARING REQUIRED:	No
APPEAL PERIOD	10 days, ending February 4, 2019

Associate Planner Winter provided the details of the staff report including project location, proposal, surrounding uses, Upland Hills Specific Plan requirement for operation, floor plan, proposed tenant improvements, operation, findings, Conditions of Approval and staff recommendation.

Chair Schwary opened the public hearing.

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Matthew Moore, applicant, spoke about the quality of the restaurant.

Commissioner Aspinall inquired about the flexibility of the floor plan.

Ryan Buan, restaurant owner, introduced himself and noted there will not be live entertainment and there are no current plans for a dinner menu, however their hours provide flexibility to accommodate this in the future.

Vice Chair Velto inquired as to if they are planning to have outdoor seating.

In response to *Vice Chair Velto's* inquiry, *Associate Planner Winter* noted that if outdoor seating were considered, another CUP process would be required.

Noting no further members of the public wishing to address the Commission, *Chair Schwary* closed the public hearing.

Vice Chair Velto stated he is excited for this project and welcomed them to the City.

Chair Schwary moved to find that the project is Categorically Exempt from further environmental proceedings pursuant to Article 19, Section 15301, Existing Facilities, Class 1 (a), of the California Environmental Quality Act; and moved to adopt a Resolution approving Conditional Use Permit 18-09, subject to conditions of approval as set forth in the Draft Resolution dated January 23, 2019.

The motion was seconded by *Commissioner Anderson*.

The motion carried by the following vote:

AYES: Commissioners Anderson, Aspinall, Walker, Verrinder, Vice Chair Velto, Chair Schwary

NAYS: None ABSTAINED: None

ABSENT: Commissioner Brouse

BUSINESS ITEMS- None

ADJOURNMENT

Commissioner Anderson inquired as to California League of Cities Planning Commissioner Academy.

Chair Schwary added that Jerry Guarracino is no longer with the City and welcomed Mike Poland.

Vice Chair Velto thanked the Commissioners individually, City staff, and spoke about his time on the Planning Commission.

There being no further business to come before the Planning Commission, *Chair Schwary* adjourned the meeting at 9:17 P.M., to the regular meeting of the Planning Commission on February 27, 2019, at 6:30 P.M.

Respectfully submitted,



Robert D. Dalquest, Secretary
Upland Planning Commission